

Application No. 09/634,566

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REMARKS

In the Official Action mailed 21 April 2005, the Examiner reviewed claims 1-54. The Examiner has rejected claims 1, 2, 4, 8-13, 15, 16 and 18-20 under 35 U.S.C. §102(e); has rejected claims 5-7 under 35 U.S.C. §103(a); has rejected claims 3, 14, 17, 21, 22, 26-40, 43 and 48-54 under 35 U.S.C. §103(a); has rejected claims 23-25 and 45-47 under 35 U.S.C. §103(a); and has rejected claims 41, 42 and 44 under 35 U.S.C. §103(a).

No claims are amended. Claims 1-54 remain pending.

The Examiner's rejections are respectfully traversed below.

Rejection of Claims 1, 2, 4, 8-13, 15, 16 and 18-20 under 35 U.S.C. §102(e)

The Examiner has rejected claims 1, 2, 4, 8-13, 15, 16 and 18-20 under 35 U.S.C. §102(e) as being anticipated by Daleen et al. (US 6,493,722). Reconsideration is respectfully requested.

Daleen et al. describes a system in which a set of "subscribers" to a billing system can be sent targeted messages from third parties which offer goods or services for sale, and by which members of the set of subscribers can join groups for the purposes of receiving such messages, and for trading contact information so that they might work together in order to take advantage of group pricing.

The Examiner takes the position that Daleen et al. discloses a group purchasing system. The present claims might be characterized as a species of a group purchase system in some broad sense. However, there is no description in Daleen et al. of a process of group purchasing. Rather, Daleen et al. only describes a system by which members of a group of subscribers to a billing system, can be sent messages along with or in addition to their bills, where the messages may include offers from a third party, and a link for access to the third party web page. (Daleen et al., Abstract, column 8, lines 25-30, column 7, lines 13-51.) Although there is a suggestion in Daleen et al. that members of such a group might collaborate to negotiate with the third party, Daleen et al. does not provide a description of any purchase process nor of a system supporting such collaboration. (Daleen et al., column 8, lines 30-43.)

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The Examiner also takes the position that the alleged "group purchasing system" of Daleen et al., is one in which "a first user indicates acceptance (i.e. identifies) a particular service in response to an offer that is received from a service provider ..." citing Fig. 5, characters 508 and 510, and column 3, lines 1-10 of Daleen et al. Claim 1 of the present application includes the limitation:

providing an interface by which a first party identifies attributes of a particular service to be shared with a second party and to be provisioned with the identified attributes on the service provider infrastructure by the service provider; ...

We presume that the Examiner is suggesting that this limitation reads on the just cited passages from Daleen et al. However, the Examiner is mistaken in the interpretation of Daleen et al. In particular, the cited passages of Daleen et al. describe the way in which messages from third parties are sent to subscribers of the billing system. There is no description whatsoever of acceptance of a service, nor of identification of a service, by the user. The process described by Daleen et al. allows a third party to send a message offering a service. But the subscribers (which we presume would correspond to the "first user" mentioned by the Examiner), do not have any means of "identifying attributes of a particular service" as recited in claim 1, nor affecting the content of the message in any way, in the system described by Daleen et al.

The cited passage of Daleen et al. relates only to the sending of messages from a third party to selected subscribers to a billing system. The content of the messages is not described by Daleen et al. Furthermore, Daleen et al. does not describe a process by which a first user may identify attributes of a service to be shared with the second user. *A priori*, there is no discussion in Daleen et al. of including such attributes in a message from the third party, nor in any other form. Therefore, no "interface" as required in the just quoted limitation in claim 1 is described by Daleen et al., and the claim is not anticipated for at least this reason.

The Examiner takes the position that "Upon accepting the particular service, the offer to participate in the identified service is communicated to a second user who may participate in the identified service by communicating acceptance of the identified service (Id.)." Claim 1 of the present application includes the limitations:

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offering participation in the particular service to the second party via an interface by which the second party is given an option to cause a signal indicating acceptance of the particular service according to the identified attributes; and

if the second party causes said signal indicating acceptance by the second party of the particular service, then executing a process to provision the particular service with the identified attributes on the service provider infrastructure for use by the first party and by the second party.

We presume that the Examiner is suggesting that these limitations read on the just cited passages from Daleen *et al.* Again the Examiner is mistaken in the interpretation of Daleen *et al.*

Daleen *et al.* does not describe any process by which "acceptance by the second party of the particular service" as required by the claim, is signaled. In fact, Daleen *et al.* describes neither any interaction between a subscriber and the third party sending the messages to the subscriber, nor any interaction between one subscriber and another. Therefore, the "offering" step just quoted is not described by Daleen *et al.*, and the claim is not anticipated for at least this reason.

The Examiner takes the further position that Daleen *et al.* "further provide that the first and second user may negotiate (i.e. execute and offer and acceptance) for the indicated service (Fig. 6, char. 608)." Element 608 is a block in a flow chart reading "SUBSCRIBERS WISHING TO FORM AN ELECTRONIC COMMUNITY BASED ON THIS CRITERIA OR COMMON INTEREST CONTACT EACH OTHER TO ENABLE NEGOTIATIONS FOR A GROUP PURCHASE OF A SERVICE FROM A THIRD PARTY." Daleen *et al.* does not describe how this interaction might take place. Rather, it is merely suggested that subscribers who join a group receive contact information for other members of the group, which "can be a simple E-mail address, postal address, telephone number or some other contact information that is sent along or communicated to each subscriber ..." (column 8, line 14-20) in the group, and that thereafter the members of the group may collaborate in a negotiation with a third party. In contrast, claim 1 requires use of an "interface by which the second user may indicate acceptance ..." of a service having attributes specified by the first party, for the purpose of communication between the first and second user. Element 608 of Fig. 6 in Daleen *et al.* suggests that users may collaborate in negotiation with a third party, but does not describe any means by which a first user may offer participation in a particular service to a second user, such as the interface recited in the claim,

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nor is such an interface inherent in Daleen et al. Accordingly, claim 1 is not anticipated for at least this reason.

Further with reference to claim 1, Daleen et al. does not describe a process for provisioning a service having attributes identified by a subscriber. Thus, the "executing" step of claim 1 is not described in Daleen et al. The Examiner takes the position that "Daleen et al. disclose providing the service over a service provider infrastructure through their description of providing gas, water, communication and utility services (col. 4, lines 31-40)." The cited passage of Daleen et al. is a definition of the term, "Service," that includes the examples quoted. It does not describe the claim limitation reading "executing a process to provision ..." such services. The Examiner is mistaken in the position that merely listing a service teaches a process for provisioning such service according to specific attributes as recited in claim 1. Accordingly, claim 1 is not anticipated for at least this reason.

Furthermore, each of claims 2, 4, 8-13, 15, 16 and 18-20, which depend from claim 1, include limitations not described in Daleen et al., and the Examiner does not discuss such claims.

Claim 2 is instructive because it recites the establishment of connections for accounts by the first and second users with the service provider. Daleen et al. describes a process by which a service provider may offer a service to a user, and suggests, without any enabling description, that accounts would be set up with such users if a transaction were closed. Even if the account set up processes of claim 2 were described by Daleen et al., we note that no connection establishment as required in claim 2 is described and that none of the steps of claim 1 are described.

It is submitted therefore that Daleen et al. does not anticipate claim 1 or any of claims 2, 4, 8-13, 15, 16 and 18-20.

Accordingly, reconsideration of the rejection of claims 1, 2, 4, 8-13, 15, 16 and 18-20 is respectfully requested.

Rejection of Claims 5-7 under 35 U.S.C. §103(a)

The Examiner has rejected claims 5-7 under 35 U.S.C. §103(a) as being obvious over Daleen et al. (US 6,493,722) in view of Knowlton et al. (US 6,141,006).

Claims 5-7 depend from claim 1, and are patentable for at least the same reasons. Furthermore, the combination of Daleen et al. and Knowlton et al. does not yield the claimed

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combination, for at least the reason that no "interface" is described in Daleen et al. which might be modified by the teaching of Knowlton et al.

Accordingly, reconsideration of the rejection of claims 5-7 is respectfully requested.

Rejection of Claims 3, 14, 17, 21, 22, 26-40, 43 and 48-54 under 35 U.S.C. §103(a)

The Examiner has rejected claims 3, 14, 17, 21, 22, 26-40, 43 and 48-54 under 35 U.S.C. §103(a) as being obvious over Daleen et al. (US 6,493,722) in view of Official Notice.

Claims 3, 14 and 17 depend from claim 1, and are patentable for at least the same reasons. Claims 21 and 38 are independent claims.

With regard to claims 3, 21, 22, 26-31, 33-35, 37-39, 48-52 and 54, the Examiner takes the position that Daleen et al. discloses all the limitations recited, with the exception of "verifying that the service provider accounts of the first party and the second party support the particular service." As to this "verifying" process, the Examiner takes Official Notice that it is a well-known practice in the "procurement arts."

As we have noted before, Daleen et al. does not disclose any of the limitations in independent claim 1, from which claim 3 depends. Therefore, even if the "verifying" step of claim 3 were well known, the combination recited would not be accomplished by modifying Daleen et al.

Independent claim 21 distinguishes over the combination of Daleen et al. with the Examiner's Official Notice for at least the same reasons as claim 1 and claim 3. Indeed, Daleen et al. does not disclose any of the limitations in claim 21 as discussed above.

Claim 22, which depends from claim 21, includes the limitation that "the attributes of the particular service include parameters of the communication channel using the communication network of the service provider." There is no similar description in Daleen et al., neither literally nor inherently, and the Examiner's position on this claim is unsupported.

Claims 26-31, 33-35 and 37 recite specific limitations that again are not described in Daleen et al., and the Examiner's positions are unsupported.

Independent claim 38 is specifically limited to provisioning communication services, according to attributes established by the claimed process. There is no discussion whatsoever in Daleen et al. concerning provisioning such services, nor defining attributes of such services. In addition, claim 38 distinguishes over the combination for at least the reasons discussed above with respect to claim 1.

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Claims 39, 48-52 and 54 depend from claim 38, and are patentable for at least the same reasons, and because the specific limitations of the claims are not described in the combination of references.

In connection with claims 14, 32 and 53, which depend from claims 1, 21 and 38, respectively, the Examiner relies on Daleen et al. and a second Official Notice. Such claims are patentable for at least the same reasons as their respective base claims. In connection with the Examiner's second Official Notice, Applicant respectfully points out that the Examiner appears to misunderstand the markup language XML, and the Official Notice is not supportable. The Examiner suggests that XML is a communication protocol, and states "providing electronic communication through XML is well known." However, XML is not a communication protocol. Rather it is a markup language for electronic documents. Therefore, the Applicant challenges the Examiner's reliance on Official Notice in this context, and requests specific support be provided for the Examiner's position.

In connection with claims 17 and 36, which depend from claims 1 and 21 respectively, we note that such claims are patentable for at least the same reasons as their respective base claims. The Examiner relies on a third Official Notice combined with Daleen et al. in rejection of these claims. We note however that Daleen et al. does not describe any structure which might be implemented with a secure Internet protocol, and therefore the Examiner's combination is not supported by any objective motivation to combine.

In connection with claim 40, which depends from claim 38, the Examiner relies on third and fourth instances of Official Notice. Claim 40 is patentable for at least the same reasons as claim 38. Furthermore, the third instance of Official Notice relates to the use of cookies in the Internet field. The Examiner takes the position that such cookies correspond with "identifiers of service interfaces" in a communication system as required in claim 38. Applicant points out that cookies are unrelated to identification of service interfaces, as claimed, in a communication system, and therefore the Official Notice does not add support for the Examiner's position on claim 40.

In connection with claim 43, which depends from claim 38, Applicant points out that such claim is patentable for at least the same reasons as its base claim.

Accordingly, reconsideration of the rejection of claims 3, 14, 17, 21, 22, 26-40, 43 and 48-54 is respectfully requested.

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Rejection of Claims 23-25 and 45-47 under 35 U.S.C. §103(a)

The Examiner has rejected claims 23-25 and 45-47 under 35 U.S.C. §103(a) as being obvious over Daleen et al. (US 6,493,722) in view of Official Notice and Knowlton et al. (US 6,141,006).

Claims 23-25 depend from claim 21 and are patentable for at least the same reasons, and because of the unique combinations recited. Claims 45-47 depend from claim 38 and are patentable for at least the same reasons, and because of the unique combinations recited.

Furthermore as to these claims, the Examiner does not specify which of the several instances of Official Notice are being relied upon in support of this rejection. Therefore, applicant challenges the Official Notice, and requests that specific support be provided.

Accordingly, reconsideration of the rejection of claims 23-25 and 45-47 is respectfully requested.

Rejection of Claims 41, 42 and 44 under 35 U.S.C. §103(a)

The Examiner has rejected claims 41, 42 and 44 under 35 U.S.C. §103(a) as being obvious over Daleen et al. (US 6,493,722) in view of Official Notice and Husak (US 6,157,647).

Claims 41, 42 and 44 depend from claim 38 and are patentable for at least the same reasons, and because of the unique combinations recited.

Furthermore as to these claims, the Examiner does not specify which of the several instances of Official Notice are being relied upon in support of this rejection. Therefore, applicant challenges the Official Notice, and requests that specific support be provided.

Accordingly, reconsideration of the rejection of claims 41, 42 and 44 is respectfully requested.

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CONCLUSION


It is respectfully submitted that this application is now in condition for allowance, and such action is requested.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (CMET 1001-2).

Respectfully submitted,

Dated:

21 July 2005



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